

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation**

This Document Relates To:

*Our Lady of the Rosary Chapel v. Amerada Hess
Corp., et al., Case No. 04-CV-1718*

Master File No. 1:00-1989

MDL 1358 (SAS)

MJ 88 USDC NY

DOCUMENT

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STIPULATION AND ORDER OF DISMISSAL UNDER FED. R. CIV. P. 41

The Plaintiff and the settling defendants, Giant Industries, Inc., Western Refining, Inc., Western Refining Yorktown, Inc. formerly known as Giant Yorktown, Inc., Western Refining Company, L.P., and Western Refining Southwest, Inc., formerly known as Giant Industries Arizona, Inc. and formerly doing business as Giant Refining Company ("Settling Defendants"), have advised the Court that they have resolved the matters between them and agreed to the entry of this Stipulated Order of Dismissal of the claims against the Settling Defendants identified above, as indicated by the signatures of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered, with the findings included below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the Parties to this Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement, a Release, and this Stipulated Order of Dismissal.

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2. The parties to this Stipulation consent to the dismissal of this action as to Settling Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own costs and attorneys' fees.

Date: 1/6/09

SO ORDERED:



Judge _____

UNITED STATES DISTRICT JUDGE

AGREED TO AND ACCEPTED BY:



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